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PATENT

Applicant: **Marcus A. Horwitz et al.**
Serial No.: **08/786,533**
Filed: **January 21, 1997**
Title: **ABUNDANT EXTRACELLULAR
PRODUCTS AND METHODS FOR
THEIR PRODUCTION AND USE**
Examiner: **Anthony Caputa**
Group Art Unit: **1645**
Att'y Docket No.: **120-243**

CERTIFICATE OF MAILING

I hereby certify that on June 18, 1998, this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage in an envelope addressed to: Assistant Commissioner for Patents, Washington, DC 20231.

37 C.F.R. § 1.8(a) 37 C.F.R. § 1.10
 with sufficient postage as "Express Mail Post Office to
as first class mail Addressee" Mailing Label No.
 TB5974137404S

Trudi Thompson
Trudi Thompson

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PETITION TO WITHDRAW HOLDING OF ABANDONMENT — OFFICE ACTION NOT RECEIVED
(37 C.F.R. § 1.181, M.P.E.P. § 711.03(C), AND 1156 O.G. 53)

Assistant Commissioner for Patents
Washington, D.C. 20231

RECEIVED

JUN 25 1998

GPO: 1998 OGA 14

Sir:

I hereby petition the Commissioner to withdraw the holding of abandonment set forth in the Notice of Abandonment mailed April 29, 1998, in the above-identified application, on the basis that the Office Action forming the basis of the abandonment was not received.

The Notice of Abandonment stated that the application is abandoned in view of applicants's failure to timely file a proper response to the Office letter mailed on September 30, 1997 (hereinafter "the Office Action"), specifically stating that no response has been received by the Patent Office.

I hereby state that:

06/23/1998 TUES 11 00000059 00786533
01 FC:122 (1) the Office Action was not received; and
(2) a search of the file jacket and the docket records in my office indicates that the Office Action was not received.

Attached as evidence is a copy of the docket record where the nonreceived Office Action would have been entered had it been received and docketed, which docket record is labeled as Exhibit A.

Exhibit A includes seven pages which are numbered consecutively in the bottom right-hand corner of each. Page 1 provides general information for the application, including:

Docket Number: 120-243;
Client: UCLA;
Inventors: Marcus A. Horwitz et al.; and
Title: ABUNDANT EXTRACELLULAR PRODUCTS AND METHODS FOR THEIR PRODUCTION AND USE.

Page 2 of the docket record provides, among other things, a list of Calculated Deadlines which includes a number of entries or actions to be addressed in the application and their preferred or required completion dates. If an Office Action is received from the Patent Office, a calculated deadline for responding to the Office Action is entered in the list of Calculated Deadlines. However, as no Office Action was received, no action and corresponding completion date were entered in the list of Calculated Deadlines. If the Office Action dated September 30, 1997, were received, then the term "Response" would be entered in the list of Calculated Deadlines below the "Prior Art" entry, along with a date corresponding to the statutory period for responding to the Office Action.

Pages 3 to 7 of the docket record of Exhibit A respectively provide activity information for particular actions of the application. Page 3 is dedicated to the determination of a statutory bar date of the application; page 4, a three-month status check for preparing the application; page 5, the expiration of the convention period for filing foreign applications; page 6, whether or not the official Filing Receipt needs correcting; and page 7, a status check of the application. If the Office Action dated September 30, 1997, were received, then a page analogous to pages 3 to 7 would have been created and positioned in sequence between page 6 and page 7.

In consideration of the docket record of Exhibit A, it is respectfully requested that the holding of abandonment be withdrawn. Acknowledgment of the active status of the application and reissuance of the Office Action dated September 30, 1997, are respectfully requested.

A check in the amount of \$130 to cover the Petition fee under 37 C.F.R. § 1.17(h) is attached. The Commissioner is hereby authorized to charge any additional fee which may be required in connection with this Petition, or credit any overpayment, to deposit account No. 16-2230.

Marcus A. Horwitz et al.
Serial No. 08/786,533
Art Unit 1645

PATENT
Docket No. 120-243
PETITION TO WITHDRAW HOLDING OF ABANDONMENT

Respectfully submitted,

Dated: June 18, 1998



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***** Record 9335 in Invention Data *****

Invention Data

Docket Number: 120-243

Attorney: KAM

Disclosure Status: Open

Client: UCLA

Client Reference Number: LA9610601

UCLA

Assignee: CA REGENTS OF THE UNIV OF

Inventors 1: HOROWITZ, MARCUS A.

2: HARTH, GUNTER

3: LEE, BAI-YU

4: _____

Title: ABUNDANT EXTRACELLULAR PRODUCTS AND METHOD FOR THEIR
PRODUCTION AND USE

Remarks: OPENED- 9/11/96

Keywords 1: TUBERCULOSIS

2: PROTEIN

3: _____

4: _____

Recorded: 04/28/97 Reel: 8491

Info Notice: / / Frame: 833-834 Today's Date: 03/17/98
07/08/97 Last Update: 07/08/97

(1)

***** Record 8471 in Country Applications *****

Country Application Data

Docket Number: 120-243 Country: USA Sub Case:

Case Type: ORD
Serial Number: 08/786,533
Patent Number:
Allowed: / /
Tax Schedule: NL
Publication Date: / /
Agent:
Remarks: IDS=DONE PER TRUDI 4/17/97; CONV.RDMR=EXT2MOS; STATUS CK EXT
3MO. PER KAM CAL.

Application Status: PENDING
Filing Date: 01/21/97
Issue Date: / /
Assign Executed: 04/15/97
Priority Date: / /
Expiration Date: 01/21/17

Agent Reference Number:

<u>Filing</u>	<u>Filing</u>	<u>Filing</u>
Calculated Deadlines		
Completed		
<u>01/21/97</u>	<u>STATUS CK</u>	<u>01/21/98</u> yes
<u>01/21/97</u>	<u>CONV_RMDR</u>	<u>07/21/97</u> yes
<u>01/21/97</u>	<u>PRIOR ART</u>	<u>04/21/97</u> yes

<u>20</u>	<u>Filing</u>	Maintenance Fees Due (U.S. only)	Paid
I	<u>/ /</u>	Maint 3.5	<u>/ /</u> no
I	<u>/ /</u>	Maint 7.5	<u>/ /</u> no
I	<u>/ /</u>	Maint 11.5	<u>/ /</u> no

Outstanding Action: STATUS CK. 04/21/98

Today's Date: 03/17/98

Press F10, to enter/update actions

Last Update: 01/21/98

07/08/97

120-243USA no

01/21/98 07/21/97 04/21/97 / / / / / /

(2)

***** Record 45716 in All Actions *****

Actions Due
Docket Number: 120-243 Country: USA Sub Case:

Action Type: BAR_DATE?
PTO Date: 09/18/96

Action	Due	Indicator	= Done
BAR_DATE?	09/18/96	Due Date	09/17/96
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Resp Sent: 09/17/96
Action Chk: 03/17/97
Completed: yes

Remarks: NO BAR_DATE PER MAK

Today's Date: 03/17/98
Last Update: 09/18/96

yes 120-243USA
120-243USABAR_DATE?09/18/96

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***** Record 45717 in All Actions *****

Actions Due

Docket Number: 120-243 Country: USA Sub Case:

Action Type: 3MO. STATUS OF APPLN
PTO Date: 12/18/96

Action	Due	Indicator	Done
	Date		
<u>3MO. STATUS OF APPLN</u>	<u>12/18/96</u>	<u>Due Date</u>	<u>12/17/96</u>
<u>3MO. STATUS APPLN. (EXT)</u>	<u>01/01/97</u>	<u>Due Date</u>	<u>01/02/97</u>
<u>STATUS OF APPLN. (EXT)</u>	<u>01/15/97</u>	<u>Due Date</u>	<u>01/15/97</u>
<u>STATUS OF APPLN. (EXT)</u>	<u>01/22/97</u>	<u>Due Date</u>	<u>01/21/97</u>
<u>STATUS MISSING PARTS</u>	<u>03/22/97</u>	<u>Due Date</u>	<u>03/11/97</u>
	/ /		/ /

Remarks: EXT 2WK MAK

EXT 2WK PER MAK

EXT ZWR: PER HR
EXT 1WK. ANGELTA

FILED 1/21/97 PER MAK & CAL. STATUS MISSING PARTS 2MO. REC'D?
TAKE OFF CAL PER EKS/TRUDI 3/11/97 3:28

Today's Date: 03/17/98
Last Update: 03/11/97

yes 120-243USA

120-243USA3MO. STATUS OF APPLN12/18/96

A row of six identical patterns, each consisting of two parallel horizontal lines. A single diagonal line with a slash through it connects the two horizontal lines in each pair.

4

***** Record 50006 in All Actions *****

Actions Due

Docket Number: 120-243 Country: USA Sub Case:
CONVENTION DT EXPIRE

Action Type: CONVENTION DT EXPIRE
PTO Date: 01/21/97

Action	Due	Indicator	Done
<u>CONV DT EXPIRES</u>	<u>01/21/98</u>	<u>Final</u>	<u>01/21/98</u>
<u>CONV.RMDR(EXT)</u>	<u>09/21/97</u>	<u>Reminder</u>	<u>09/16/97</u>
<u>CONV_RMDR_(EXT)</u>	<u>11/21/97</u>	<u>Reminder</u>	<u>10/28/97</u>
<u>CONV_RMDR_(EXT)</u>	<u>12/21/97</u>	<u>Reminder</u>	<u>12/01/97</u>
<u>2WK_RMDR CONV DATE EXP</u>	<u>01/07/98</u>	<u>Reminder</u>	<u>12/29/97</u>
<u>2DAY_RMDR-CONV.EXPIRES</u>	<u>01/19/98</u>	<u>Reminder</u>	<u>01/19/98</u>

Resp Sent: 01/21/98
Action Chk: 07/21/98
Completed: yes

Remarks: CONV.EXPIRES=1/21/98; RMDR=EXT FROM 7/21/97 PER TRUDY 7/10/97
EXT 2MO. PER KAM CAL.; EXT 1MO. PER KAM CAL.; WILL FILE PCT EXT TO
2WK PRIOR TO DUE DATE; 2WK=EXT TO A 2DAY RMDR PER TRUDI CAL
12/29/97; 2DAY=EXT TO DUE-CAL NOT REC'D 1/18/98
PCT FILED PER KAM CAL.

Today's Date: 03/17/98
Last Update: 01/21/98

yes 120-243USA
120-243USA CONVENTION DT EXPIRE 01/21/97

01/21/98 01/21/97 01/21/97 01/21/97 01/21/97 01/21/97

***** Record 58828 in. All 'Actions' *****

Actions Due

Docket Number: 120-243 Country: USA Sub Case:

Action Type: STATUS CK. (EXT)
PTO Date: 04/21/98

Action	Due Date	Indicator	Done
<u>STATUS CK.</u> (EXT)	<u>04/21/98</u>	<u>Due Date</u>	<u>03/21/98</u>
<u>STATUS CK(EXT)</u>	<u>07/21/98</u>	<u>Due Date</u>	<u>/ /</u>

Remarks: EXT 3MO. PER KAMN CAL. FROM 1/21/98; EXT 3MOS PER KAM CAL 4/9/98

Today's Date: 03/17/98
Last Update: 03/12/98

no 120-243USA
120-243USASTATUS CK. (EXT) 04/21/98

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